



DEPARTMENT OF
TOXIC SUBSTANCES
CONTROL

*The mission of the
Department of Toxic
Substances Control is
to provide the
highest level of safety,
and to protect public
health and the
environment from
toxic harm.*



State of California



Cal/EPA

Senate Bill (SB) 774 and Changes to the Toxics in Packaging Prevention Act

Introduction

Packaging for consumer goods makes up a significant portion of waste going to the nation's municipal solid waste landfills. Packaging that contains toxic substances can release toxins (poisonous substances) and contaminate the soil and groundwater surrounding the landfill. To address this problem, the California Legislature passed the Toxics in Packaging Prevention Act. The Department of Toxic Substances Control (DTSC) prepared this fact sheet to help you understand and comply with recent amendments to the Toxics in Packaging Prevention Act. SB 774 (2007) makes some specific changes to existing law, and these changes became effective January 1, 2008. This fact sheet will introduce you to the changes that occurred in this law. You should consult the actual statutes to be sure you are in compliance.

What are the changes in the law?

SB 774 made two changes to the Toxics in Packaging Prevention Act. These are:

- Beginning on January 1, 2006, the Toxics in Packaging Prevention Act made it unlawful to produce, sell, or promote packaging or packaging components that contain cadmium, lead, mercury, or hexavalent chromium if these metals were *intentionally introduced* during manufacture or distribution. In addition, this law limits the *incidental presence* of these regulated metals to not more than 100 parts per million (ppm) by weight. The law also sets out various exemptions from these requirements. On January 1, 2008, SB 774 amended the Toxics in Packaging Prevention Act to prohibit a glass bottle with paint or applied ceramic decoration from qualifying for any of these exemptions if the paint or decoration contains lead or lead compounds in excess of 0.06% (600 parts per million [ppm]) by weight pursuant to Health and Safety Code (Health & Saf. Code), section 25214.15(k).
- The Toxics in Packaging Prevention Act requires that on or after January 1, 2006, each manufacturer or supplier must furnish a Certificate of Compliance to the purchaser of a package or packing component stating that the package or packaging component is in compliance with the requirements of the act (Health & Saf. Code, section 25214.16 (a)). On January 1, 2008, SB 774 modified this requirement to require that a Certificate of Compliance be furnished to the purchaser, even when the purchaser is also a supplier.



How does this affect me?

If you manufacture or supply glass bottles (that meet the definition of “package” pursuant to Health & Saf. Code, section 25214.12 (g)) with paint or applied ceramic decoration, you have specific responsibilities to ensure that the glass bottles you produce or provide comply with the law. If a regulated metal is intentionally added during manufacture or distribution of your glass bottles, or if the glass bottles contain levels of regulated metals above 100 ppm by weight, you should consult the Toxics in Packaging Prevention Act for further information. In addition, in order to claim an exemption under the Toxics in Packaging Prevention Act, if you manufacture or supply glass bottles, you must make sure that the level of lead or lead compounds in your paint or applied ceramic decoration does not exceed 0.06% (600 ppm).

As a manufacturer or supplier of glass bottles with paint or applied ceramic decoration, you are also required to provide a Certificate of Compliance to your purchasers stating that your bottles conform to the Toxics in Packaging Prevention Act. If your Certificate of Compliance is based on an exemption stated in the law, you must furnish a copy of the Certificate of Compliance to DTSC, along with the required documentation listed in Health & Saf. Code, section 25214.14(h). You must keep Certificates of Compliance as long as you are selling or promoting your glass bottles.

If you are a purchaser of glass bottles with paint or applied ceramic decoration, you must make sure to obtain a Certificate of Compliance from your supplier, and keep this Certificate of Compliance on file. DTSC may request copies of your Certificates of Compliance.

What if the bottles are manufactured outside of California or the United States?

This law applies to manufacturers, suppliers, and purchasers of bottles when the product is sold in California regardless of the source of the bottles.

Examples of Certificates of Compliance may be

obtained at our website, <http://www.dtsc.ca.gov/ToxicsInPackaging/>. These are just examples, and need to be modified for your company’s information.

Do all of the exemptions expire?

No. The Toxics in Packaging Prevention Act sets out both permanent and temporary exemptions. The temporary exemptions all expire on January 1, 2010. For more specific information, see Health & Safety Code Section 25214.14.

What does it mean if the purchaser is also a supplier?

It is possible that you can be both a purchaser and a supplier, which means you must comply with all the requirements of being a purchaser as well as all the requirements of being a supplier.

I have multiple locations for my company. Can I keep my Certificates of Compliance at a central location, or must I keep them at each company location?

You may keep the Certificates of Compliance at a central location, as long as you can provide them within a reasonable time if they are requested by DTSC.

Where can I find more information on Toxics in Packaging?

DTSC has a website just for information on Toxics in Packaging. The URL is <http://www.dtsc.ca.gov/ToxicsInPackaging/>. Our site includes other fact sheets, specific information for Manufacturers, Suppliers, and Purchasers, and links to other sites including the Toxics in Packaging Prevention Act. We also maintain an email list (ListServ) that you may sign up for, so that anyone may receive updates from DTSC regarding Toxics in Packaging.

Please read our more encompassing fact sheet, “Preventing Toxic Substances In Packaging For Consumer Goods” at: http://www.dtsc.ca.gov/HazardousWaste/Mercury/upload/HWMP_FS_Toxics-Packaging.pdf.

You can also reach us by telephone, (916) 324-8192, or by sending email to tipinfo@dtsc.ca.gov.